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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SMITH, MATTHEW J

ART UNIT PAPER NUMBER

3672

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,806

Applicant(s)

DALLAS, L. MURRAY

Examiner

Matthew J. Smith

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,9,10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 3, 6-8, 11, and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod (5025857) in view of Dallas (6234453).

McLeod discloses, in Figure 2, tubular 8 within a wellbore 44 (Fig. 3) comprising anchor spool 10 including a flange for fluid-tight connection atop a wellhead 43 and supporting packing 9 sealing an axial passage while permitting the tubular to move vertically and to rotate; anchor plate 11 for connecting two piston cylinders 1 symmetrically disposed and radially spaced from the tubular; and a detachable superstructure including the cylinders, adapter stack- flange 4, adapter or mandrel 5, swivel or rotary joint 6- connected to the tubular 8 so that activation of the cylinder causes vertical movement of the tubular within the wellbore (Fig. 3) but not attaching the hydraulic cylinder 1 at the top.

Dallas shows a working beam 36 attached to the ram 38 end on a well servicing apparatus.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to attach the McLeod beam 3 at the top of cylinders 1, as shown by Dallas, in order to provide a simple, safe, fast, and economic manner of performing a well service (Dallas, col. 3, lines 31-33).

Claims 2, 4, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod (5025857) in view of Dallas as applied to claims 1, 9, and 13, respectively above, and further in view of Townsend (1586923).

The combination discloses attaching a hydraulic cylinder at the top and McLeod further discloses an axial passage having a diameter large enough for tubing hanger 53 but not a packing cavity.

Townsend presents packing cavity 33 allowing movement of a tubular 51.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to seal the McLeod axial passage using a packing cavity, as presented by Townsend, in order to have an active seal which provides better sealing.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod and Dallas in view of Townsend as applied to claim 4 above, and further in view of Thrupp (1934955).

The combination discloses an attaching the hydraulic cylinder at the top plus an anchor spool and adapter stack with a packing cavity but not a gusset.

Thrupp shows a gusset (Fig. 12), at flange 31, extending between the elongated sidewall and the anchor plate to reinforce the anchor plate.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a gusset to the combination, as presented by Thrupp, in order to make the plate stronger.

Claims 14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod (5025857) in view of Dallas as applied to claim 13 above, and further in view of Thrupp (1934955).

The combination discloses an attaching the hydraulic cylinder at the top plus an anchor spool and adapter stack but not a gusset.

Thrupp shows a gusset (Fig. 12), at flange 31, extending between the elongated sidewall and the anchor plate to reinforce the anchor plate.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a gusset to the McLeod anchor plate, as presented by Thrupp, in order to make the plate stronger.

Allowable Subject Matter

Claims 18-20 are allowed.

Claims 3, 6-8, 11, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see page 7, filed 27 April 2006, with respect to the rejection of claims 1, 9, 10, 13, and 16 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new rejection is made in view of Dallas '253.

The examiner considers the exact location for the attachment of the cylinders to be within the scope of one of ordinary skill. Thus, any showing of the cylinders connected at the top would have been obvious.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 571-272-7034. The examiner can normally be reached on T-F, 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

MJS *MJS*
23 August 2006